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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,409	08/08/2001	Ishantha Joseph Lokuge	URBAP003	5733
22434	7590	08/10/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP P.O. BOX 70250 OAKLAND, CA 94612-0250			GARG, YOGESH C	
			ART UNIT	PAPER NUMBER
			3625	
DATE MAILED: 08/10/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/925,409

Applicant(s)

LOKUGE ET AL.

Examiner

Yogesh C. Garg

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 May 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-52 is/are pending in the application.
- 4a) Of the above claim(s) 1-16 and 44-51 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-43 and 52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/19/2002.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Applicant's election of group III, with traverse, consisting of claims 17-43 and 52, received on 5/11/2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)). Accordingly, claims 1-16, and 44-51 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected inventions, there being no allowable generic or linking claim. Currently claims 17-43 and 52 are pending for examination.

Examiner cites particular columns and line numbers in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested that, in preparing responses, the applicant fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 17, 19-21, 30, 31, 33-35 and 52 are rejected under 35 U.S.C. 102(e) as being anticipated by Furst (US Patent 6,297,819).

Regarding claim 17, Furst teaches a method for effecting electronic commerce via a data network, the data network including a server system configured to host a web site associated with a first content provider, the data network further including a client system configured or designed to implement a browser application, the browser application being configured or designed to facilitate access to the web site by a first user (see at least FIGs.1 & 2), the method comprising:

determining, in real-time, contextual information from the web site which is currently being displayed to the first user, and using the determined contextual information, in real-time, to take appropriate action to help facilitate a sale to the first user (see at least col.1, line 63-col.3, line 59, "*The System enables sales and marketing efforts to be brought to the context of a user-selected web site, so users can find the goods and services that they might be seeking in the context in which they are currently browsing. The System brings the added value to electronic commerce of enabling the right transaction by making the user better informed. A user can augment his or her range of choice by selecting which contextual sales applications are valuable enough to warrant installation and use.The System can be used to provide contextual sales applicationsTo the provider of a contextual sales application, such an application can provide*

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data on users' patterns of use, behavior, and purchasing; and this data can be provided in real time. For example, when a user arrives at a bookseller's site, the bookseller's contextual sales application can inform the site of the web sites that were just visited by the user. In addition, the application can detect that the user has performed a search at another web site and then deliver to that user a list of books on related topics and let the application's site know where the user is..... ")

Regarding claim 19, Furst discloses comprising logging information relating to specific products from the web site which were actually displayed on the client system (see at least col.4, lines 42-56 which discloses that the user has to be registered and use logging information to access the web site).

Regarding claim 20, Furst teaches further comprising tracking, in real-time, content from the web site which is currently being displayed to the first user (see at least col.1, lines 63-67).

Regarding claim 21, Furst teaches that the method of claim 17 further comprising:

detecting, in real-time, at least one area of the web site which is relatively congested with customer activity; and responding to the detection of a relatively congested area of customer activity in order to facilitate sales of merchandise (see at least col.2, lines 55-62 which discloses that when a customer visits a contextually-specific area on the web site the system monitors the same and serves the related content. The customer's visit to the contextually –specific area on the web site

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corresponds to the relatively congested area with customer activity because this area is of customer's interest would like to spend more time here. Also, see col.3, lines 7-14).

Regarding claims 30, 31, 33-35, and 52, their limitations are closely parallel to the limitations of claims 17, 19-21 and are therefore analyzed and rejected on the same basis .

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4.1. Claims 18 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst in view of Needham (US Patent 5,894,305).

Regarding claim 18, as analyzed above, Furst teaches determining the contextual information from the web site which is currently being displayed to the first user but does not teach tracking in real-time, a relative position of the first user's current location within the web site and using the relative position of the first user's current location to determine the contextual information. However, Needham teaches tracking in real-time, a relative position of the first user's current location within the web

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site and using the relative position of the first user's current location to determine the contextual information (see Abstract, Fig.4, Fig. 7 and col.8, lines 4-27, " *According to an embodiment of the present invention, an identifier is placed next to the graphical or text message. The identifier may be a name, an avatar, or other identifying marks corresponding to the user of the client transmitting the graphical or text message. FIG. 7 illustrates a GUI for displaying graphical messages according to alternate embodiment of the present invention. The GUI 700 includes a plurality of identifiers 701-703 each identifying a client connected on a network or a user of the client. The identifiers 701-703 may be an avatar of a user of the client, for example. The GUI 700 designates an area of space for each identifier. A first area of space 711 corresponds to the identifier 701. A second area of space 712 corresponds to the identifier 702. A third area of space 713 corresponds to the identifier 703. The areas of spaces display graphical and text messages. The first area of space 711 displays graphical and text messages generated by the first client. The second area of space 712 displays graphical and text messages generated by the second client. The third area of space 713 displays graphical and text messages generated by the third client. According to an embodiment of the present invention, the area of spaces may be speak bubbles directed to their corresponding identifiers.* " . Note: In Needham, GUI displays graphical messages generated by a plurality of sources connected via a communication network, such as Internet-a data distribution system, and the system tracks the relative position of the user by way of identifier, which may be an avatar of a user of client and by using the relative position of the user in the form of an identifier, such as 701-703 determines the contextual information displayed in the spaces 711-713 to the users. In view of Needham, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Furst to incorporate the feature of tracking in real-time, a relative position of the first user's current location within the web site and using the relative position of the first user's current location to

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determine the contextual information because it would further enhance the "Discussion tool" (see col.8, line 49-col.10, line 54) in Furst by providing a GUI which will improve graphical communication between multiple parties, such as the user and his friends or other people in a chat forum, as explicitly disclosed in Needham.

Regarding claim 32, its limitations are closely parallel to the limitations of claims 18 and is therefore analyzed and rejected on the same basis as applied to claim 18, above.

4.2. Claims 22-23 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst in view of Bigsciencecompany (Press release; "The Big face of Customer Service"; Business Wire; New York; August 9, 2000, extracted on Internet from Proquest Website on 8/5/2005).

Regarding claims 22-23, Furst teaches all the limitations of claim 21 as analyzed above, that is detecting, in real-time, at least one area of the web site which is relatively congested with customer activity; and responding to the detection of a relatively congested area of customer activity in order to facilitate sales of merchandise . Furst further teaches enabling users to communicate and chat with other visitors and members but does not disclose automatically dispatching at least one automated sales agent to assist at least one on-line customer currently shopping within the said relatively congested area or dispatching at least one customer service agent to assist at least one

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on-line customer currently shopping within the relatively congested area. However, in the same field of electronic commerce, with the objective of expanding and improving the scope of online customer communications, Bigsciencecompany teaches automatically dispatching at least one automated sales agent to assist at least one on-line customer currently shopping or dispatching at least one customer service agent to assist at least one on-line customer currently shopping (see page 1, "...enable their mutual customers to have the best of both worlds: automated customer support through Big Science Company's Klone Server, with escalation to live operators....."). In view of Bigsciencecompany, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Furst to incorporate the feature of automatically dispatching at least one automated sales agent to assist at least one on-line customer currently shopping or dispatching at least one customer service agent to assist at least one on-line customer currently shopping because to enhance and improve the scope of Furst's online Discussion tool by providing online customer help with automatic sales agents and when the automatic sales assistants can't solve a problem providing live service agents.

Regarding claims 36-37, their limitations are closely parallel to the limitations of claims 22-23 and are therefore analyzed and rejected on the same basis .

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4.3. Claims 24 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst in view of Bhagavath et al. (US Publication 2002/0021665), hereinafter, referred to Bhagavath.

Regarding claim 24, Furst does not disclose determining that the first user has been browsing within the web site more than a predetermined amount of time; and responding to a determination that the first user has been browsing within the web site more than a predetermined amount of time by taking appropriate action to help facilitate the first user making a purchase. In the same field of electronic commerce, Bhagavath teaches monitoring the usage data that is the browsing activity including the amount of time spent in browsing particular data on the website (see at least paragraph 0009, page 1) and responding to a determination based upon the monitored usage data of the web site by taking appropriate action to help facilitate the user making a purchase (see at least paragraphs 0003-0006 which by way of example disclose the use of monitored data by a variety of beneficiaries, such as advertisers being able to respond by targeting advertisements related to security systems to the new home buyers based upon their interest monitored from their Internet usage and which will facilitate the user to make purchases of security systems). In view of Bhagavath, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Furst to incorporate the feature of determining that the first user has been browsing within the web site more than a predetermined amount of time; and responding to a determination that the first user has

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been browsing within the web site more than a predetermined amount of time by taking appropriate action to help facilitate the first user making a purchase because monitoring of user's usage of Internet/network data helps in profiling their use-patterns/requirements and would enable the advertisers and sellers to more accurately target their products resulting in facilitating the potential buyers to make purchases, as disclosed in Bhagavath.

Regarding claim 38, its limitations are closely parallel to the limitations of claims 24 and is therefore analyzed and rejected on the same basis as applied to claim 25, above.

4.4. Claims 25, 27, 28, 39, and 41-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Furst in view of Bhagavath and further in view of Bigsciencecompany.

Regarding claim 25, its limitations of providing sales assistance to the first user are already covered in claims 22-23 and is therefore analyzed and rejected as being unpatentable over Furst in view of Bhagavath and further in view of Bigsciencecompany on the same basis.

Regarding claims 27, 28, 39, and 41-42, their limitations are closely parallel to the limitations of claims 24-25 and are therefore analyzed and rejected on the same basis as applied to claim 25, above.

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4.5. Claims 26, 29, 40 and 43 are rejected under 35 U.S.C. 103(a) as being obvious over Furst in view of Bhagavath and further in view of Official Notice

Regarding claim 26, Furst in view of Bhagavath does not teach offering to the first user a discount on at least one product displayed within web site. The examiner takes Official Notice of both the concept and the benefits of offering discounts to buyers. In view of the Official Notice, it would have been obvious to one of an ordinary skill in the art at the time of the applicant's invention to have modified Furst in view of Bhagavath, as applied to claim 24 to incorporate the feature of offering discounts to buyers for the products displayed on Internet because it is notoriously well-known that sellers provide discounts to entice buyers to buy their products for increasing their sales revenues and accumulated profits.

Regarding claims 29, 40 and 43 their limitations are closely parallel to the limitations of claims 26 and is therefore analyzed and rejected on the same basis as applied to claim 26, above.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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(i) Press release; " TeleTech Unveils Cybercare; Launches Exclusive Online Customer Management Platform"; PR Newswire; New York; July 15, 1999, extracted on Internet from Proquest Website on 8/5/2005) discloses customer management software platform providing automated web-based product support.

(ii) US Patent 6,317,144 to Pabla et al. discloses a method and apparatus for navigating displayed screen elements (see Abstract).

(iii) US Patent 5,977,972 to Bates et al. discloses a user interface displaying a graphical spatial environment for simultaneous display of structured and unstructured data from multiple sources in various formats (see at least Abstract, col.2, lines 64-68 and col.3, lines 1-29).

(iv) US Patent 6,219,045 to Leahy et al. discloses a scalable virtual world chat client server system (see at least Abstract).

(v) US Patent 6,724,407 to Cheng discloses a method and system for displaying Hypermedia Files in a 3D viewing environment (see Abstract).

(vi) US Patent 6,772,195 to Hatlelid et al. discloses chat clusters for a virtual world application (see Abstract).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh C. Garg whose telephone number is 571-272-6756. The examiner can normally be reached on M-F(8:30-4:00).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571-272-7159. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Yogesh C Garg
Primary Examiner
Art Unit 3625

YCG
August 5, 2005